

REMARKS

The Office Action mailed September 18, 2006 has been carefully considered.

Claims 1-21 are pending and stand rejected.

Claims 1, 6, 8, and 15 have been amended.

Claim 6 has been amended to correct an inadvertent typographical error. No new matter has been added.

Rejection under 35 USC 101

The Examiner rejected claims 1-21 under 35 USC 101 as not resulting in tangible output. Applicant traverses the reason for the rejection but has amended the claims to state the invention in a clearer manner. The independent claims have been amended to recite “simulating performance on the one or more data storage systems using the utilization data and performance characteristics and that of a system including said one or more data storage systems; determining whether said performance of the one or more data storage systems exceeds a corresponding level of performance or the system including said one or more data storage systems exceeds a corresponding level of performance; indicating which of said one or more data storage systems are causing the excessive level of performance; and proposing a configuration of said one or more data storage systems that would sustain the simulated performance at a given level.” No new matter has been added. Support may be found at least on page 23, lines 4-6 (“the invention, along with its other advantages, is also useful for determining utilization of each component in a system and for determining utilization of a system itself, whether the system is being currently employed or is one being simulated, or modeled”), page 24, lines 4-8, (“When considering

utilizations the following points are factored by the tool and the user may also consider when using the tool. Consider the following when analyzing utilizations. Loads and utilizations do not necessarily behave empirically in a linear manner. For example, if one measures a 60% utilization for a particular workload, adding 10% to this workload may result in a 90% utilization, not 70%, as one might expect.”) and lines page 31, lines 4-7 (“the tool would not only indicate where a performance problem lies, but would also suggest a configuration that would resolve the issue by proposing a configuration that would sustain the load for a given required utilization, response time, or workload”).

With regard to the rejection of the claims, it is respectfully submitted that the independent claims, as amended, provide a tangible and useful result in simulating performance and based on the simulated performance proposing a system configuration.

For at least this reason the rejection of the claim has been overcome and applicant respectfully requests that the rejection be withdrawn.

Rejection under 35 USC 102

The Examiner has rejected claims 1-21 as being anticipated, pursuant to 35 USC 102(b), by Hoffecker (US Patent No. 5,325,505).

Applicant traverses the reason for rejecting the claims in view of the amendments made thereto as described previously.

Hoffecker describes an intelligent storage manager including a number of data bases which are used by the expert system to manage the computer system data storage devices. Hoffecker discloses the use of models to determine data relating to the operation of the data

storage devices. The models are used to assist in the identification of conflicts and to predict the effect of proposed conflict solutions.

However, Hoffecker fails to disclose the determination of a performance of the data systems components and the system composed of the data system components, determine whether a level of performance of the data systems or the system exceed respective levels of performance and proposing a configuration of said one or more data storage systems that would sustain the simulated performance at a given level, as is recited in the claims.

A claim is anticipated if each and every element is recited in one piece of prior.

Hoffecker can not be said to anticipate the present invention, as recited in claims 1, 8 and 15, as Hoffecker fails to disclose a material element recited.

For at least this reason the rejection of the claim has been overcome and applicant respectfully requests that the rejection be withdrawn.

With regard to the remaining claims, these claims depend from one of the independent claims and, hence, are allowable by virtue of their dependency upon an allowable independent claim.

In view of the foregoing, the applicant believes that the application is in condition for allowance and respectfully request favorable reconsideration.

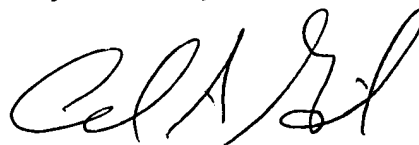
In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (914) 798-8505.

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Respectfully submitted,

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